

Serial No. 09/900,391

Remarks

The present application is a continuation of application Serial No. 08/904,855, filed on August 1, 1997.

The Examiner asserted that the IDS filed on July 6, 2001 was improper in that applicant did not enclose a copy of each of the references listed on Form PTO-1449 (12 pages). This assertion by the Examiner is totally baseless as well. In the Remarks of the July 6, 2001 Preliminary Amendment and IDS, applicant specifically pointed out that all of the listed references were previously cited by or transmitted to the PTO in parent application Serial No. 08/904,855, of which the present application claims priority under 35 U.S.C. 120. Applicant also cited 37 C.F.R. 1.98(d) in the Remarks to explain why copies of the listed references were not enclosed. Rule 98(d) provides:

A copy of any patent, publication or other information listed in an information disclosure statement is **not required** to be provided if it was previously cited by or submitted to the Office in a prior application, provided that the prior application is properly identified in the statement and relied upon for an earlier filing date under 35 U.S.C. 120.

(Emphasis added). Since the parent application was properly identified in the Preliminary Amendment and IDS, and the claim of priority of the parent application has been recognized by the Examiner, applicant appropriately relied upon Rule 98(d) to submit the IDS in question, without enclosing any copies of the listed references previously cited by or submitted to the Office in the parent application. For the Examiner's convenience, applicant re-submits copies of Form PTO-1449 (12 sheets) filed earlier (attached hereto as an Attachment) and, again, respectfully requests that each of the listed references be expressly considered and be made of record.

The Examiner rejected claims 21-84 on various grounds based on the cited references including Yoshida, Beckert and Hozel. However, applicant has cancelled, without prejudice, claims 21-84, thereby rendering the Examiner's rejections moot. Applicant reserves all rights to re-prosecute the subject matters of the cancelled claims in

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the future.

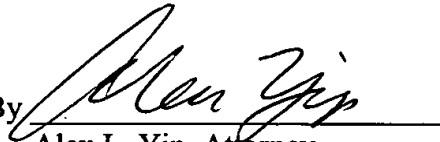
New claims 85-104 have been added, which are directed to different aspects of the invention, and believed to be patentable over the cited references.

In view of the foregoing, each of claims 85-104, as added, is believed to be in condition for allowance. Accordingly, reconsideration of these claims is requested and allowance of the application is earnestly solicited.

Respectfully,

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By



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212-836-7363

Date: June 2, 2004
Attachment